



General Assembly

Substitute Bill No. 5586

February Session, 2016

* _____HB05586HS_____031616_____*

**AN ACT CONCERNING WORKERS' COMPENSATION COVERAGE
FOR INJURIES SUSTAINED BY PERSONAL CARE ATTENDANTS
EMPLOYED DIRECTLY BY CONSUMERS IN THE COMMUNITY FIRST
CHOICE PROGRAM.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2016*) (a) For purposes of this
2 section, sections 17b-706a and 31-275 of the general statutes, as
3 amended by this act, and section 4 of this act, (1) "consumer" and
4 "personal care attendant" have the same meaning as provided in
5 section 17b-706 of the general statutes, and (2) "Community First
6 Choice program" means a Medicaid-funded program that provides
7 home and community-based care. The Commissioner of Social
8 Services, in consultation with the Commissioner of Developmental
9 Services, shall collaborate with the Commissioner of Administrative
10 Services to procure workers' compensation coverage for any personal
11 care attendant employed directly by a consumer in the Community
12 First Choice program. The Commissioner of Social Services shall
13 require any fiscal intermediary for the program to administer workers'
14 compensation benefits and disburse the benefits to such personal care
15 attendant who sustains injuries on the property of a consumer.

16 (b) The Commissioner of Social Services shall, if necessary, amend
17 the Medicaid state plan, in accordance with section 17b-8 of the general

18 statutes, to (1) require a fiscal intermediary to administer and disburse
19 workers' compensation benefits pursuant to subsection (a) of this
20 section, and (2) increase allotment of Medicaid moneys per consumer,
21 to the extent permissible under federal law, to cover any additional
22 cost for workers' compensation benefits provided pursuant to
23 subsection (a) of this section.

24 (c) The provisions of this section shall not apply to a personal care
25 attendant hired by a consumer through a third-party employer.

26 Sec. 2. Subparagraph (B) of subdivision (2) of subsection (e) of
27 section 17b-706a of the general statutes is repealed and the following is
28 substituted in lieu thereof (*Effective July 1, 2016*):

29 (B) In those covered programs where budgets provided to
30 consumers receiving direct support services are allocated using the
31 individual budget methodology, budgets shall be increased to account
32 for additional expenses caused by (i) a contract or award negotiated in
33 accordance with this section [which] that includes increases in wages
34 or benefits, or (ii) any additional cost to a consumer enrolled in the
35 Community First Choice program for workers' compensation benefits
36 for personal care attendants.

37 Sec. 3. Subparagraph (B) of subdivision (9) of section 31-275 of the
38 general statutes is repealed and the following is substituted in lieu
39 thereof (*Effective July 1, 2016*):

40 (B) "Employee" shall not be construed to include:

41 (i) Any person to whom articles or material are given to be treated
42 in any way on premises not under the control or management of the
43 person who gave them out;

44 (ii) One whose employment is of a casual nature and who is
45 employed otherwise than for the purposes of the employer's trade or
46 business;

47 (iii) A member of the employer's family dwelling in his house; but,
48 if, in any contract of insurance, the wages or salary of a member of the
49 employer's family dwelling in his house is included in the payroll on
50 which the premium is based, then that person shall, if he sustains an
51 injury arising out of and in the course of his employment, be deemed
52 an employee and compensated in accordance with the provisions of
53 this chapter;

54 (iv) Any person, other than a personal care attendant who has
55 workers' compensation coverage pursuant to section 1 of this act,
56 engaged in any type of service in or about a private dwelling provided
57 he is not regularly employed by the owner or occupier over twenty-six
58 hours per week;

59 (v) An employee of a corporation who is a corporate officer and
60 who elects to be excluded from coverage under this chapter by notice
61 in writing to his employer and to the commissioner; or

62 (vi) Any person who is not a resident of this state but is injured in
63 this state during the course of his employment, unless such person (I)
64 works for an employer who has a place of employment or a business
65 facility located in this state at which such person spends at least fifty
66 per cent of his employment time, or (II) works for an employer
67 pursuant to an employment contract to be performed primarily in this
68 state.

69 Sec. 4. (NEW) (*Effective July 1, 2016*) The Commissioner of Social
70 Services, in consultation with the Commissioner of Developmental
71 Services and the Commissioner of Administrative Services, shall adopt
72 regulations in accordance with the provisions of chapter 54 of the
73 general statutes to provide for workers' compensation coverage for
74 personal care attendants employed directly by a consumer in the
75 Community First Choice program. The regulations shall provide the
76 (1) type of benefits, (2) benefit rate, and (3) duration of the benefits.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>July 1, 2016</i>	New section
Sec. 2	<i>July 1, 2016</i>	17b-706a(e)(2)(B)
Sec. 3	<i>July 1, 2016</i>	31-275(9)(B)
Sec. 4	<i>July 1, 2016</i>	New section

HS *Joint Favorable Subst.*